

AK

Notice of Allowability

Application No.

10/604,481

Applicant(s)

GUCLU ET AL.

Examiner

Dixomara Vargas

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 02/16/05.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 24 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

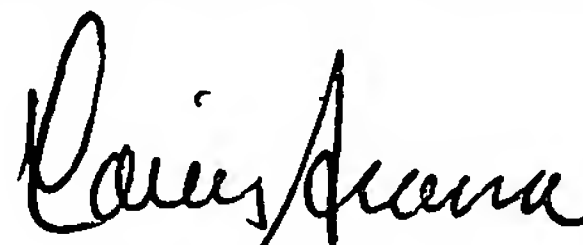
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


 Louis Arana
 Primary Examiner

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-27 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a. With respect to claim 1, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a phantom for MR application evaluation comprising a structure including a grid defining a plurality of multi-layer cells and wherein each section is supported by at least two cell layers in combination with the remaining limitations of the claim.
 - b. With respect to claim 8, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a method of manufacturing a phantom for MR evaluation comprising the step of depositing deuterium oxide in a first combination in combination with the remaining limitations of the claim.
 - c. With respect to claim 16, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a method of valuating MR applications comprising the step of placing a phantom that includes a material to mimic proton density differences between a first two tissues in combination with the remaining limitations of the claim.
 - d. With respect to claim 23, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a kit to form a human

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brain phantom for MRI applications comprising deuterium oxide in a first mixture in combination with the remaining limitations of the claim.

e. With respect to claim 26 and 27, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a phantom for MR applications evaluation comprising a phantom wherein the common composition includes approximately: 1.5 millimolar nickel (II) chloride paramagnetic salt; 1 percent by weight agarose gel; 35 percent by volume deuterium oxide; 65 percent by volume water; and 0.1% potassium sorbate in combination with the remaining limitations of the claims.

f. With respect to claims 2-7, 9-15, 17-22, 24 and 25, the claims have been allowed due to their dependency on claims 1, 8, 16 and 23 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional prior art cited in the PZTO 892 discloses an MR phantom with different components mimicking the human brain.

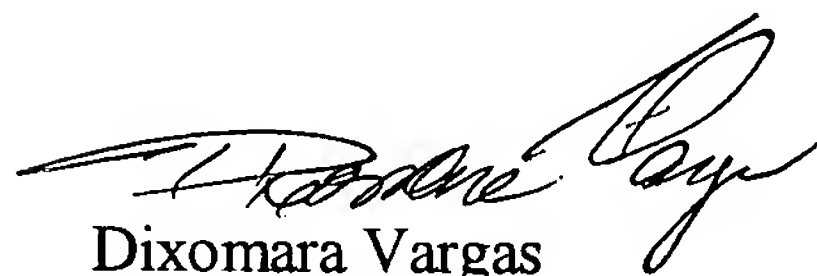
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252.

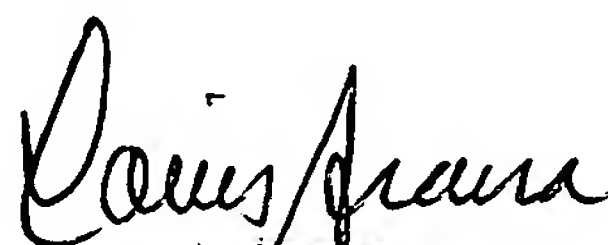
The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas
Art Unit 2859
May 9, 2005



Louis Arana
Primary Examiner